

RODERICK D. MCGEE,

Plaintiff,

v.

OFFICER WILLIAMS MCMILLAN AND
OFFICER JAMES AVERY,

Defendants.

Plaintiff Roderick D. McGee (“Plaintiff”), proceeding *in forma pauperis*, moved to amend his complaint to add Sgt. Chris Haney and Deputy Ryan Epperson, both of the Hamilton County Sheriff’s Office, as defendants (Court File No. 47). Magistrate Judge William B. Mitchell Carter issued a Report and Recommendation (“R&R”) recommending the Court grant in part and deny in part Plaintiff’s motion to amend (Court File No. 49). Specifically, the Magistrate Judge recommended the Court (1) allow Plaintiff to add Deputy Epperson as a defendant on the ground that Plaintiff alleges Deputy Epperson used excessive force against him by using ammonia capsules on him on September 12, 2012, and (2) deny as futile Plaintiff’s addition of Sgt. Haney as a defendant because Plaintiff includes no factual allegations relating to Sgt. Haney.

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with process upon receipt of a service packet from the plaintiff.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE